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To the Judiciary Committee

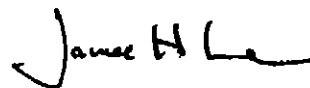
Re: Raised Bill No. 6637, "An Act Concerning the Discontinuance of Highways and Private Ways by Municipalities"

I support Raised Bill No. 6637, because it provides a needed clarification of the law.

I represented Vincent Savalle and Teri Davis after the decision of the Appellate Court in Savalle v. Hilzinger, 123 Conn. App. 443 (2010), and I still represent them. They bought property in 2004 on a road that the Town of Lebanon had voted to close in 1937, and to discontinue in 2002. Property owners on closed roads, and on roads discontinued after 1959, still have rights of way to get to their properties, but if the road was discontinued before 1959, they don't, unless the Town specifically provided for them to have access. In the Savalles' court case, the 1937 closure was recharacterized as a discontinuance, and they are landlocked. When the Appellate Court affirmed the judgment, it approved a degree of informality in road discontinuances that I do not believe the Legislature intended.

The Bill does three things. First, it substitutes the word "certificate" for "writing". The word "writing" might be construed to include the call or warning for a town meeting, but the word "certificate", as in "by a certificate signed by them", leaves no such latitude. It makes it clear that the document itself is the act. Second, it prescribes a manner of notice to the parties affected by the discontinuance, borrowing the already-familiar notification process for takings by eminent domain. And third, it specifies a definite event to trigger the existing eight-month appeal period.

I hope you will regard this Bill as an improvement in the law, and support its passage.



James H. Lee